UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region I - EPA New England

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SUBJECT: CWA Compliance Evaluation of Dragon Products in Thomaston, Maine

FROM: Alex Rosenberg, Water Technical Unit

THRU: Denny Dart, Enforcement Coordinator, Water Technical Unit

TO: File

I. Facility Information

A. Facility Name:	Dragon Products Company, LLC
B. Facility Location:	U.S. Route 1, 107 New County Road, Thomaston, Maine
C. Facility Mailing Address:	PO Box 191, Thomaston, Maine 04861-0191
D. Facility Contact:	Michael Martunas, Environmental Manager (207) 593-0147 or 207-593-0100 x 147 (from MSGP NOI) mmartunas@dragonproducts.com
E. Corporate Address:	320-D Midland Parkway Summerville, SC 29485
F. Type of Source:	Stormwater
G: Date MSGP permit issued:	April 26, 2011
H: Permit #:	MER05B289

II Background Information

A. Date of inspection:	November 16, 2012 ('inspection 3') (Prior recent EPA inspections - March 21, 2012 ('Inspection 1') & May 30, 2012 ('Inspection 2'))
B. Weather Conditions:	Cold and overcast
C. US EPA Representative(s):	Alex Rosenberg
D. State Representative(s):	None

E. Federally Enforceable Requirements Covered During the Inspection:
   1) General Permit – Maine Pollutant Discharge Elimination System, Stormwater Discharge Associated with Industrial Activity – Sector E: Cement and Concrete; Permit #MER05B289
      a. Issued 10/11/2005 – replaced EPA's MSGP from 10/30/00
      b. Issued 4/26/2011

   2) Maine Department of Environmental Protection (DEP) Water Pollution Control Regulation Chapters
      a. Surface Waters Toxic Control Program 06-096 530(1)(b)
      b. 38 M.R.S.A. § 413.1: No person may directly or indirectly discharge or cause to be discharged any pollutant without first obtaining a license therefore from the department.
      c. Chapter 584 Surface Water Quality Criteria for toxic Pollutants – Class B Receiving Water : ambient criteria narrative limits,

F. Enforcement Actions since 2007:
   1) DEP Notice of Violation (NOV) **December 16, 2008**: (MEDEP Bureau of Land and Water – J. Glowa) docket no. MER200808
      a. discharging non-contact cooling water from Quarry #1 without obtaining a license
   2) DEP Notice of Violation (NOV) **March 20, 2009** (MEDEP Bureau of Land and Water – L. Lohn) docket # MER200901
      a. On March 2, 2009 approximately 3,325 gallons of leachate was discharged from the leachate collection basins to Quarry #1;
      b. On March 12, 2009 an unknown quantity of leachate was discharged to wetlands that drain to Outfall #3;
   3) DEP Notice of Violation (NOV) **May 27, 2009** (MEDEP Bureau of Solid Waste - A. Dumont) docket #03-30-2009-001
      a. Second NOV issued for violations that occurred on March 2, 2009 and March 2012, 2009.
      b. Dragon required to permanently cease unlicensed discharges from waste clinker leachate collection pond to waters of the state;
      c. References Mar 2 and March 12, 2009 'unanticipated bypasses'

III Purpose of Inspection

To determine compliance with the above referenced regulations and to investigate process water and stormwater drainage paths after crossing Rt-1 from the north to the south.

IV Inspection Logistics

A. Entry

Alex Rosenberg entered the site at 10:00 AM on November 16, 2012 for the third inspection ('Inspection 3') of a series of inspections that have occurred throughout 2012. He was met by the Environmental Manager Michael Martunas. The inspection was announced and coordinated with Mr. Martunas ahead of the date and time of entry.

B. Opening Conference

Alex Rosenberg showed Michael Martunas his inspector credentials before they headed out to walk the drainage path associated with the catchment area of stormwater outfall #101.

C. Site Walkthrough

Old Quarry towards Buttermilk Lane

Inspector and Michael Martunas began their walk at the northwestern side of the old quarry that is currently filled with water and is shown on the GIS map layer of U.S. Hydrologic Units as a pond. The shore of the quarry was walked, moving counterclockwise. At the southern tip of the quarry an outlet was identified (Point 'E' in narrated photo album). It was observed by both individuals on the inspection that water flowed out of the quarry at point 'E' and along the eastern side of a linear man-made berm whose banks rose approximately 4 feet above the channel bottom where flow was observed.

Approximately 80 to 100 yards along this flow path, the entire flow channel turned (at Point 'F') towards the east (towards buttermilk lane and points 'G'). All flow took this new flow direction (flow path did not branch - no flow was observed to continue southwest at the original flow direction).

Past Point 'F' flow became less channelized and began to meander through typical wetland vegetation (reeds). Flow was able to be observed in this area over an approximate flow channel width of 20 feet. Flow ran between thick reeds in some areas and more woody bushes and small trees in other areas. Approximately 200 yards after Point 'F' part of the flow path (an area full of reeds with increasing width) was observed by Alex Rosenberg to cross beneath a barbed wire fence, that according to Michael Martunas indicated the boundary of Dragon Products.

All flow then turned slightly to the north towards point 'H'. Flow that had passed under the property boundary fence was observed to return onto Dragon's property before reaching point 'H'. Approximately 100 yards from point 'H', after observing the fact that flow reaches point 'H' from where they stood, the inspectors returned north to the old quarry to investigate whether

there were other points along the banks of the quarry that were discharging. After completing the shoreline walk counterclockwise from point 'E' back to point 'D' both Alex Rosenberg and Michael Martunas determined that no other outlets from the pond existed. Michael Martunas guessed that at one time the quarry was used as a water supply and that is why the outlet is directed towards the factory.

Entrance of Flow into Quarry

Within the channelized flow at the entrance to the old quarry (Point 'D') accumulated fine sediments were observed covering the channel's bottom and all vegetation that was also located underwater. Because the bottom of the quarry was not visible, it was assumed by both parties (Alex Rosenberg – Inspector and Michael Martunas) that the quarry increased rapidly in depth away from the shoreline.

Catchment Area – West of Rt 1 (including Point 'A')

Michael Martunas and Alex Rosenberg walked the area of the mine site that is directly perpendicular to Rt-1 and in-line with the corrugated drain pipe that discharges at Rt-1 (Point 'B'). Alex Rosenberg observed a large pile of waste rock, either dolomite or limestone, piled on the west side of the man-made bank that runs along western side of Rt 1 that prevents the public from seeing the open pit operations.

The access road from the industrial aggregate mining production facility to the upper benches of the open pit mining area, as well as the stone crushing operations of Mr. Ferriello, passes the observed pile of waste rock. Alex Rosenberg observed that runoff from approximately 50-75 yards of the access road drains into the pile of waste rock. Based on the trend of the drain pipe observed at the side of Rt 1 (Point 'B') it was concluded by both Alex Rosenberg and Michael Martunas that the inlet to the drain pipe (Point 'A') was located beneath the pile of waste rock.

Rt 1 culvert (including Points 'B' and 'C')

A drainage pipe was observed to be discharging water next to Rt 1 from a corrugated drain pipe through the berm beside the road at Point 'B'. Alex Rosenberg observed that some fine particles were present in the flow. The flow volume was estimated by Alex Rosenberg to be approximately 1.5 gallons per minute. The flow was day-lit for approximately 3 feet before entering a cement culvert that flowed beneath Rt 1 to the east (Point 'B' to Point 'C'). At the discharge of this culvert an accumulation of very fine (clay sized) particles was observed by Alex Rosenberg. Alex Rosenberg picked some of the sediments up and noted they were homogenous and a light grey in color. These sediments were observed by Alex Rosenberg to be continuously deposited on the ground from the end of the culvert until Dragon's property fence (approximately 6 feet).

Stormwater Outfall #101 (Including Points 'H' and 'I')

Michael Martunas and Alex Rosenberg drove along Buttermilk Lane and stopped to inspect the discharge point of the waters that they had walked the flow path of (Point 'A' to Point 'H'). It was observed by Alex Rosenberg that at point 'H', on the west side of Buttermilk Lane, water was pooled at the entrance to a culvert. According to observation made during the inspection by both parties (Alex Rosenberg and Michael Martunas) flow discharged from the Dragon property at Point 'H' under buttermilk lane to Point 'I' on the east side of Buttermilk Lane. Dragon Products has explained in their edits of past EPA inspection reports that flow at Point 'I' then flows to Weskeag River. The Weskeag River drains in to the Atlantic Ocean according to USGS topographic maps.

D. Closing Conference

Alex Rosenberg left the site after concluding the inspection with Michael Martunas at approximately 1PM. Alex Rosenberg explained that the Region would be in contact with the facility after further discussion and analysis.